EXPRESS MAIL RECEIPT NO.: EV336512185US PATENT

DEPOSITED ON: July 10, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Donald E. Weder Attny. Dkt. No.: 8403.934

Application No.: Not Yet Assigned Art Unit: 3644

Filed: Herewith Examiner: F. Palo

For: POTTED PLANT PACKAGE (as corrected)

Mail Stop Patent Application Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

The following sections are being submitted for this Information Disclosure Statement:

- 1. [X] Preliminary Statements
- 2. [X] Form PTO-1449 (Modified)
- 3. [X] Statements as to Information Not Found in Patents or Publications (Information not listed in PTO 1449 (Modified))
- [X] Identification of Prior Application In Which Listed Information
 Was Already Cited and for Which No Copies Are Submitted Or
 Need to Be Submitted
- 5. [x] Copies of Listed Information Items Accompanying this Statement.
- 6. [X] Identification of Person(s) Making this Information Disclosure Statement

Section 1. Preliminary Statements

Applicant submits herewith patents, publications or other information of which he is aware, which he believes may be material to the examination of this application and in respect of which there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. \S 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Section 2. Form PTO-1449 (Modified)

- [X] A completed Form 1449 (Modified) is attached hereto (without copies of cited references).
- [] No Form 1449 (Modified) is attached.

Section 3. Statements as to Information Not Found in Patents or Publications (Information not listed in PTO 1449 (Modified))

Plant sleeves are old in the art. Plant sleeves typically are constructed of polymer film or paper. Plant sleeves generally are tapered (trapezoidally shaped) with an open top and an open bottom, although some have a closed bottom. A plant in a pot is placed in the plant sleeve so that the sleeve covers the pot and the plant. In some instances, an upper portion of the plant sleeve is removable along a line of perforations leaving at least a portion of the sleeve around the pot. In some instances, a separate sheet of material is placed about the pot and the remaining bottom portion of the plant sleeve holds this separate sheet of material in place. Alternatively, a floral grouping alone may be placed within the sleeve. It is also known to put potted plants in grocery bags.

It is also old in the art to form a sheet of material about a flower pot and then place an elastic band around the sheet of material to hold the sheet in place about the flower pot. In some instances, the band has been positioned about the outer surface of the pot with the sheet of material positioned between the band and the flower pot. In some instances, the band has been positioned above the upper end of the pot thereby causing a portion of the sheet of material to be forced inwardly over the upper end of the pot.

It is also old in the art to form a sheet of material into a conically shaped tube like member referred to commonly in the art as a sleeve. A floral grouping or flower pot with flowers therein can be disposed through the larger open end of the sleeve, wherein the sleeve covers the floral grouping or the flower pot and extends above and around the flowers in the floral grouping or flower pot.

It is also old in the art that cut flowers have been wrapped with the following materials or combinations of materials:

- 1. Kraft paper plus waxed or unwaxed tissue paper with the flowers being placed next to the waxed paper or tissue paper.
- 2. Kraft paper plus newspaper plus waxed or unwaxed tissue with the flowers being placed next to the waxed or unwaxed tissue. These three materials have been used to wrap flowers in various combinations such as Kraft paper plus newspaper or Kraft paper plus waxed or unwaxed tissue paper or newspaper plus waxed or unwaxed tissue paper.
- 3. Waxed or unwaxed tissue paper, polymer films and Kraft paper (treated for water resistance or wet strength or untreated).
- 4. Polymer film and waxed tissue paper.

Section 4. Identification of Prior Application In Which Listed Information Was Already Cited and for Which No Copies Are Submitted Or Need Be Submitted

This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. 10/326,646, filed on December 12, 2002 (date).

(complete the following, if applicable)

[] This application also relies, under 35 U.S.C. 120, on the earlier filing date of prior application Serial No. _____, filed on _____ (date).

The references were submitted to, and/or cited by, the Office in the prior application(s) are not required to be provided in this application; however, the prior art references listed below were not cited previously in the prior application(s) and copies are provided herewith:

Foreign Patents: Denmark-1,204,647.

Other Prior Art: WEDER ET AL., "Sleeve with a Triangular Lower End", U.S. Patent Application Publication, Pub. No. US 2002/0112401 A1, Pub. Date: 08/22/2002.

Section 5. Copies of Listed Information Items Accompanying this Statement

Legible copies of all items listed in Form PTO-1449 (Modified) accompany this information disclosure statement.

- [X] Exception(s) to above:
 - [X] Items in prior application from which an earlier filing date is claimed for this application, as identified in Section 4.

Section 6. Identification of Person(s) Making this INFORMATION DISCLOSURE STATEMENT

The person making this statement is the attorney who signs below on the basis of the information:

- [] supplied by the inventor(s)
- [] supplied by an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c)).
- [X] in the attorney's file

Respectfully submitted,

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Agent for Applicant

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FORM PTO-1449

(Fill-A-Form 7.92)

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use several sheets if necessary)

Attorney's Docket Number 8403.934

Serial Number Not Yet Assigned

Applicant Donald E. Weder

Group 3644 Filing Date Herewith

						U	. S	. PATENT DC	CUMENTS		_	
EXAM INIT.			PATEN	IT NUM	BER			ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
2.02.0		5	2	4	2	1	9	08/07/1894	Schmidt			
		7	3	2	8	8	9	07/07/1903	Paver			
		9	5	0	7	8	5	03/01/1910	Pene			
	1	0	4	4	2	6	0	11/12/1912	Schloss			
	1	0	6	3	1	5	4	05/27/1913	Bergen			
	1	4	4	6	5	6	3	02/27/1923	Hughes			
	1	5	2	0	6	4	7	12/23/1924	Hennigan			<u> </u>
	1	5_	2	5	0	1	5	02/03/1925	Weeks			
	1	6	1	0	6	5	2	12/14/1926	Bouchard			
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	 1	7	9	4	2	1	2	01/18/1929	Snyder			
	1_	8	1	1	5	7	4	03/14/1930	Barrett	ļ		
	1	8	6	3	2	1	6	06/14/1932	Wordingham	<u></u>		
	1	9	7	8	6	3	1	10/30/1934	Herrlinger	91	68	
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	2	1	7	0	1	4	7	08/22/1939	Lane	206	56	
	2	2	0	0	1	1	1	05/07/1940	Bensel	229	1.5	
	2	2	7	8	6	7	3	04/07/1942	Savada et al.	154	43	
	2	3	0	2	2	5	9	11/17/1942	Rothfuss	41	10	
	2	3	2	3	2	8	7	07/06/1943	Amberg	229	53	
	2	3	5	5	5	5	9	08/08/1944	Renner	229	8	
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	U. S. PATENT DOCUMENTS												
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		2	4	1	1	3	2	8	11/19/1946	MacNab	33	12	
		2	5	1	0	1	2	0	06/06/1950	Leander	117	122	
		2	5	2	9	0	6	0	11/07/1950	Trillich	117	68.5	
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		2	6	4	8	4	8	7	08/11/1953	Linda	229	55	
		2	6	8	8	3	5	4	09/07/1954	Berger	150	28	
		2	7	7	4	1	8	7	12/18/1956	Smithers	47	41	
		2	8	2	2	2	8	7	02/04/1958	Avery	117	14	
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		2	8	5	0	8	4	2	09/09/1958	Eubank Jr.	47	58	;
		2	8	8	3	2	6	2	04/21/1959	Borin	21	56	
	: 	2	9	8	9	8	2	8	06/27/1961	Warp	53	390	
		3	0	2	2	6	0	5	02/27/1962	Reynolds	47	58	
		3	0	8	0	6	8	0	03/12/1963	Reynolds	47	37	
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		3	1	2	1	6	4	7	02/18/1964	Harris et al.	118	202	
		3	1	3	0	1	1	3	04/21/1964	Silman	161	97	
		3	2	9	3	1	0	0	08/27/1963	Questel			
		3	2	7	1	9	2	2	09/13/1966	Wallerstein et al.	53	3	
		3	3	1	6	6	7	5	05/02/1967	Cartwright, Jr.			
		3	3	2	2	3	2	5	05/30/1967	Bush	229	62	
		3	3	7	6	6	6	6	04/09/1968	Leonard	47	41	
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		3	4	3	1	7	0	6	03/11/1969	Stuck	53	390	
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		3	5	5	7	5	1	6	01/26/1971	Brandt	53	14	
		3	6	2	0	3	6	6	11/16/1971	Parkinson	206	59	
	ļ	3	6	8	1	1	0	5	08/01/1972	Milutin	117	15	
i		3	7	6	7	1	0	4	10/23/1973	Bachman et al.	229	7	
		3	7	9	3	7	9	9	02/26/1974	Howe	53	32	
		3	8	6	9	8	2	8	03/11/1975	Matsumoto	47	34.11	
		3	8	8	8	4	4	3	06/10/1975	Flanigen	248	152	
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		4	0	4	3	0	7	7	08/23/1977	Stonehocker	47	66	
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		4	1	1	3	1	0	0	09/12/1978	Soja et al.	206	602	
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		4	1	4	9	3	3	9	04/17/1979	Hall et al.	47	67	
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		4_	2	1	6	6	2	0	08/12/1980	Weder et al.	47	72	
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		D	2	5	9	3	3	3	05/26/1981	Charbonneau	D9	306	
		4	2	8	0	3	1	4	07/28/1981	Stuck	53	241	
		4	2	9	7	8	1	1	11/03/1981	Weder	47	72	
		4	3	3	3	2	6	7	06/08/1982	Witte	47	84	
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		4	5	4	6	8	7	5	10/15/1985	Zweber	206	0.82	
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		4	7	1	7	2	6	2	01/05/1988	Roen et al.	383	120	
		4	7	3	3	5	2	1	03/29/1988	Weder et al.	53	580	
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		4	7	7	1	5	7	3	09/20/1988	Stengel	47	67	
		4	7	7	3	1	8	2	09/27/1988	Weder et al.	47	72	
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		4	9	0	0	3	9	0	02/13/1990	Colten et al.	156	291	
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		4	9	8	9	3	9	6	02/05/1991	Weder et al.	53	397	
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	U. S. PATENT DOCUMENTS												
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		5	3	1	5	7	8	5	05/31/1994	Avôt et al.	47	72	
<u>. </u>		5	3	5	0	2	4	0	09/27/1994	Billman et al.	383	104	
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		5	9	4	1	0	2	0	08/1999	Weder	47	72	
		5	9	6	6	8	6	6	10/1999	Ferguson	47	41.01	
		5	9	7	4	7	3	0	11/02/1999	Chien	47	41.01	
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		6	1	8	3	5	9	0	02/06/2001	Weder	47	72	

	FC	RE	IGN	I PA	\TE	NT	<u>OR</u>	PU	BLISHED FC	REIGN PATE	NT APF	PLICATI	ON	
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			2	2	4	5	0	7	04/30/1996				х	

	FC	RE	IGN	l PA	λΤΕ	NT	OR	PU	BLISHED FO	REIGN PATEN	NT APP	LICATI	ON	
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		8	3	0	1	7	0	9	12/1984	Netherlands			Х	
		9	3	1	5	9	7	9	08/19/1993	PCT			Х	
		9	7	1	2	8	1	9	04/10/1997	PCT			Х	
			5	6	0	5	3	2	04/15/1975	Switzerland			Х	
					5	6	0	5	05/06/1885	United Kingdom			Х	
		2	0	5	6	4	1	0	03/18/1981	United Kingdom			Х	
		2	0	7	4	5	4	2	11/04/1981	United Kingdom			X	
		2	1	2	8	0	8	3	04/26/1984	United Kingdom			X	
		2	2	0	3	1	2	7	10/12/1988	United Kingdom			X	
		2	2	1	2	1	3	6	07/19/1989	United Kingdom			Х	
		2	2	5	2	7	0	8	08/19/1992	United Kingdom			Х	
EXAM INIT.		symp publi Spe	ude na posium ication.	me of , catal Cove	Authorog, etc	r (In C :.) Date chur	APITAI e, Rele	LETTI vant P	ERS), Title of the Article ages, Volume-Issue Nun	ENT LITERAT (when appropriate), Title on other(s), Publisher, City and or Those Peak Volume	f the item (be or Country t	ook, magazine where Publishe	, journal, s d. **Place	of
		"Sp	eed	Shee	ets a	nd S	peed	Roll	s" Brochure, High	nland Supply Corpo	ration, ©	1990.		
									ander Products" (
		"Costa Keeps the Christmas Spirit", Supermarket Floral, September 15, 1992.												
									loral, September	15, 1992.				
									eptember 1992.	ntombor 15, 1002				
		"Now More Than Ever", Supermarket Floral, September 15, 1992. Le Plant Sac Advertisement, published prior to September 26, 1987.												

EXAM INIT.	OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS (Include name of Author (In CAPITAL LETTERS), Title of the Article (when appropriate), Title of the Item (book, magazine, journal, serial, symposium, catalog, etc.) Date, Relevant Pages, Volume-Issue Number(s), Publisher, City and/or Country where Published. **Place of publication.
	"A World of Cut Flower and Pot Plant Packaging" Brochure, Klerk's Plastic Products Manufacturing, Inc., published prior to March 31, 1994, 6 pages.
	Chantler & Chantler brochure showing Zipper Sleeve™ and Florasheet®, published prior to March 31, 1994, 2 pages.
	"Stand Alone Plastic Bagmaking" brochure, AMI, Atlanta, GA, February 15, 1996, 2 pages.
	"Foil Jackets" brochure, Custom Medallion, Inc., December, 1996, 2 pages.
	"Derwent Abstract" of FR 2610604A. It is noted that the abstract is an incorrect English translation of the contents of the French patent. The French patent does not enable or disclose adhesively attaching the covering to the container. 1988.
	"Silver Linings" Brochure, Affinity Diversified Industries, Inc., 1986. The Silver Linings brochure shows a floral sleeve with a closed bottom. The brochure shows, in one embodiment, a vase with flowers inside a "cut flower" sleeve with the sleeve tied with a ribbon about the neck of the vase.
	"Special Occasion Printed Highlophane Bags" Brochure, Highland Supply Corporation, 1990, 2 pages.
	"Creative Packaging" Brochure, John Henry Company, Sept. 1992.
	"Make Highlander Your Headquarters" Brochure, Highland Supply Corporation, 1991.
	WEDER ET AL., "Sleeve with a Triangular Lower End", U.S. Patent Application Publication, Pub. No. US 2002/0112401 A1, Pub. Date: 08/22/2002.
EXAMINER	DATE CONSIDERED
EXAMINER: Init copy of this for	ial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include m with next communication to applicant. **Place of Publication refers to name of publication in which the information was published.